

IN THE SPECIFICATION:

Please replace the paragraph beginning on page 11, line 3 with the following rewritten paragraph:

*al
concl* --In this embodiment, the alert data setting section 123 stores a first table 127 in advance (Fig. 4). The selective continuous sound data setting section 121 stores a second table 129 in advance (Fig. 5).--

REMARKS

Applicant has filed the present Amendment in reply to the outstanding Official Action of July 5, 2002, and Applicant further believes the Amendment to be fully responsive to the Official Action for reasons set forth below in greater detail.

In the present Official Action, the Examiner rejected Claims 1-10 (Claims 1 and 10 being independent) pursuant to 35 U.S.C. §103(a), as allegedly unpatentable by Connary, *et al.* (U.S. Patent No. 5,307,059) (hereinafter "Connary"). More specifically, the Examiner first stated that Connary discloses a selective call receiver that stores customized alert signals based on addresses of the selective call receiver. Although the Examiner acknowledged that Connary fails to disclose a first table to store in advance setting information for automatically stopping sound generation and switching to another alert operation, and a second table to store in advance setting information for continuous sound generation, the Examiner nonetheless alleged that it would be obvious to one skilled in the art to modify Connary's selective call receiver to provide settings directed to automatically stopping sound generation or continuous sound generation since these

settings represent only a choice regarding the indication of a received signal by the selective call receiver.

At the outset and before addressing the particular rejections raised in the present Official Action, Applicant has made an editorial correction to the specification at page 11, line 3. More specifically, reference number 121' was amended to the correct reference number 121, as particularly illustrated in Figure 2. Applicant respectfully submits that no new subject matter has been entered by this amendment.

Regarding the rejections of Claims 1 and 10 pursuant to 35 U.S.C. §103(a), Applicant respectfully disagrees with the Examiner's allegations and consequently proffers the following arguments in support of patentability of Claims 1-10 over Connary.

Insofar as rejections pursuant to 35 U.S.C. §103(a) are concerned, the Federal Circuit in In re Fritch, 972 F.2d 1260, 1266 (Fed. Cir. 1992) has annunciated that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification" (emphasis added). Furthermore, the annunciated principle requires that the prior art suggest modifying the teachings of the references so as to produce the claimed invention. Id. At the time the invention is made, there must be reason apparent to a skilled artisan for applying the teachings of the reference or else the use of such teachings will be improper hindsight. In re Noyima, 184 USPQ 607 (C.C.P.A. 1975). Additionally, the Examiner cannot establish obviousness by locating references which describe various aspects of an invention without also providing evidence of the motivating force which would impel the skilled artisan to do what the

applicant has done. Ex Parte Levengood, 28 USPQ 2d 1330, 1302 (Bd. Pt. App. & Int'f. 1993).

The present invention is directed to a selective call receiver that, among other things, enables the selective call receiver to generate an alert on the basis of: 1) setting information for automatically stopping sound generation and switching to another alert operation via Table 1 (See Fig. 7A); or 2) setting information for continuous sound generation via Table 2 (See Fig. 7B). In operation, after receiving a radio signal that comprises an ID and a message, the selective call receiver (via control section 111) utilizes the ID to determine the alert on the basis of the setting information in the first table (See Fig. 4) or the second table (See Fig. 5), and displays the message. The control section 111 (See Fig. 2) determines whether to use the setting information in the first table or in the second table based on the setting of the auto-reset (A/R) information located in the first table (See page 13, lines 6-22), which is associated with the ID. That is, if A/R information is set to "ON", setting information in the first table is utilized. Conversely, if the A/R information is set to "OFF", setting information in the second table is utilized.

The primary prior art reference to Connary is directed to a selective call receiver 10 having customized voice alerts. More particularly, Connary teaches entering and storing into memory 14 the customized voice alerts (See Connary Col. 2, lines 31-46). In operation, upon receiving a signal having a predetermined address, the selective call receiver 10 retrieves the customized voice alert associated with the predetermined address from memory 14. The customized voice alert may be repeated a number of times (See Connary Col. 2, lines 47-57).

In traversing the rejections of Claims 1 and 10 pursuant 35 U.S.C. 103(a), Applicant respectfully submits that Connary is defective in that it fails to teach or suggest the selective call receiver as claimed. More specifically, as particularly acknowledged by the Examiner, Applicant respectfully submits that Connary fails to teach or suggest setting information for automatically stopping sound generation and switching to another alert operation (i.e., Table 1), as particularly illustrated in Figure 7A. As outlined above, Connary's selective call receiver merely enables storage and retrieval of customized voice alerts using a predetermined address. However, it is clear that Connary does not teach or suggest automatically stopping sound generation (of the voice alert) and switching to another alert operation. Contrary to the Examiner's allegation, this is not a trivial modification of the prior art. Furthermore, Applicant respectfully submits that Connary's repeating of the voice alert 24 (See Connary Fig. 2) does not teach or suggest automatically stopping sound generation (of the voice alert) and switching to another alert operation. Applicant further respectfully submits that Connary does not teach or suggest a mechanism (i.e., control section 111) for generating an alert based on setting information for automatically stopping sound generation and switching to another alert operation, or based on setting information for continuous sound generation. To the contrary, Connary's controller 16 merely compares the received address and the predetermined stored address, and when they are substantially similar, provides a voice alert via the alert mechanism 17 (See Connary Col. 2, lines 18-22).

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections of independent Claims 1 and 10 pursuant to 35 U.S.C. §103(a). Applicant further respectfully requests the examiner to withdraw the rejections of Claims

2-9 based on their respective dependencies, whether direct or indirect, from independent Claim 1.

In addition to arguments presented herein, Applicant further respectfully submits that Claim 5, independently from Claim 1, distinguishes the present invention from Connary. More specifically, Claim 5 recites that the setting information in the second table has an instruction of a type of sound on the basis of current consumption. It is a characteristic feature of the present invention to alert with a beep sound having dedicated (i.e., special) pattern at the time of performing continuous sound generation. Via this performance, it becomes possible to reduce current consumption for the continuous sound generation, because the dedicated pattern of beep sound is set to have the least current consumption. This feature is depicted in Figs. 8 and 9 and can be clearly understood from the figures in view of the page 17, lines 1-24, of the above-identified application. Applicant respectfully submits that Connary does not teach or suggest an alert having continuous sound generation with a type of sound set on the basis of current consumption.

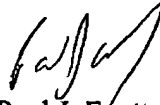
Attached hereto is a marked-up version of changes made to the specification by the present Amendment, which is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**.

In view of the foregoing, Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the allowance of the application. If the Examiner believes a telephone conference might expedite the allowance of this application, Applicant respectfully requests that the

Examiner call the undersigned, Applicant's attorney, at the following telephone number:

(516) 742-4343.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The paragraph beginning on page 11, line 3, has been amended as follows:

--In this embodiment, the alert data setting section 123 stores a first table 127 in advance (Fig. 4). The selective continuous sound data setting section [121'] 121 stores a second table 129 in advance (Fig. 5).--